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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,146	06/20/2000	Daiki Kadomatsu	862.C1941	5114
5514	7590	07/28/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			SHINGLES, KRISTIE D	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/597,146	KADOMATSU, DAIKI
	Examiner Kristie Shingles	Art Unit 2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 18 May 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 32-40 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 32-40 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### *Response to Arguments*

*Claims 1-31 have been cancelled. Claims 32, 34 and 36-40 have been amended.  
Claims 32-40 are pending.*

### *Response to Arguments*

1. Applicant's arguments with respect to claims 32 and 36-40 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 32 and 34-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Ishikawa et al* (US 5,818,970) in view of *Nobuta et al* (US 5,956,162).

a. **Per claim 32, *Ishikawa et al* teach a color facsimile apparatus comprising:**

- reading means for reading an image (col.5 lines 66-col.6 line 1);
- generating means for generating image data representing the image (col.1 lines 53-65, col.16 lines 6-16, col.24 lines 60-65);
- extracting means for extracting data from the image data in minimum processing units for JPEG compression processing (col.10 lines 44-56);

- compressing means for executing compression processing for each unit of the extracted data including the unit of the extracted data in which the transmission information is overwritten after overwriting the transmission information by said overwriting means (col.15 lines 51-56);
- storing means for storing compressed data by said compressed mean in a memory (col.15 lines 53-56, col.24 lines 44-51); and
- transmitting means for transmitting a JPEG image data based on the compressed data stored in the memory (col.23 lines 23-27, col.24 lines 54-59).

*Ishikawa et al* teach a header information adder and overwriting line image information in extracted data units (col.14 lines 60-65, col.15 lines 10-30 and 47-56, col.24 lines 34-40, col.25 lines 57-67), but fail to explicitly teach overwriting means for overwriting transmission information for a header or footer in a unit of extracted data extracted by said extracting means when the unit of the extracted data is a unit in which the transmission information should be overwritten. However, *Nobuta et al* teach overwriting transmission information for a header or footer by updating (overwriting by page increments) the transmission data according to the type of page being transmitted and the current page number being (Figure 32, col.14 lines 23-52, col.15 lines 44-51, col.17 lines 43-57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Ishikawa et al* with *Nobuta et al* for the purpose of modifying the transmission data of the header or footer to indicate the current transmission status, such as by incrementing the page numbers or indicating the if the page is color or monochromatic.

b. **Claims 36-40** contain limitations that are substantially similar to claim 32 and are therefore rejected under the same basis.

c. **Per claim 34,** *Ishikawa et al* with *Nobuta et al* teach the color facsimile apparatus according to claim 32, *Nobuta et al* further teach further comprising determining means for determining whether the unit of the extracted data is the unit in which the transmission information should be overwritten, and wherein said overwriting means overwrites the transmission information in the unit of the extracted data according to a determination of said determining means (Figure 32, col.14 lines 23-52, col.15 lines 44-51, col.17 lines 43-57; *Ishikawa et al*: col.12 lines 20-43, col.14 lines 60-65, col.15 lines 10-30 and 47-56, col.24 lines 34-40, col.25 lines 57-67).

d. **Per claim 35,** *Ishikawa et al* with *Nobuta et al* teach the color facsimile apparatus according to claim 32, *Nobuta et al* further teach wherein the transmission information indicates at least one of a date, a time, and a number of pages (col.6 lines 4-6 and 30-39, col.12 lines 25-31, col.17 lines 43-48).

4. **Claim 33** is rejected under 35 U.S.C. 103(a) as being unpatentable over *Ishikawa et al* (US 5,818,970) in view of *Nobuta et al* (US 5,956,162) in further view of *Hayashi et al* (US 6,426,809).

**Per claim 33,** *Ishikawa et al* with *Nobuta et al* teach the color facsimile apparatus according to claim 32, as applied above, with buffering means for successively storing the image data generated by said generating means in a buffer (*Ishikawa et al*: col.5 lines 45-46, col.7 line 66-col.8 line 30, col.12 lines 7-15, col.14 lines 13-17, col.16 lines 15-27, col.21 lines 4-17; *Nobuta et al*: col.8 lines 33-63); yet fail to explicitly teach wherein said extracting means extracts data of a predetermined number of lines corresponding to a unit from the buffer. However,

*Hayashi et al* teach extracting and storing data of a predetermined number of lines associated with page units of a buffer (col.5 line 63-col.6 line 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Ishikawa et al* and *Nobuta et al* with *Hayashi et al* for the purpose of decreasing the memory capacity of the buffers by limiting the number of lines that are extracted and stored.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Baba et al (6,437,881), Anabuki et al (6,441,913), Abe (6,618,491), Nakajima (5,392,133).

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Kristie Shingles*  
Examiner  
Art Unit 2141

*kds*



RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER